

REMARKS/ARGUMENTS

With entry of the present Amendment, claims 47-54, 56-59 and 62 are pending in the present case and are currently under examination. In order to expedite prosecution, independent claims 47 and 62 have been amended to recite in the body of the claim (1) "whereby said ER resident calcium-binding protein is produced in said cell and the generation of active thrombin on the surface of said cell is inhibited" (claim 47), and (2) "whereby the generation of active thrombin on the surface of said cell is inhibited" (claim 62). Support for these amendments can be found throughout the specification and claims as originally filed and, thus, no new matter has been introduced. In view of the amendment to claim 62, claim 67 has been cancelled without prejudice to further prosecution in a related case. Applicants respectfully request entry of the present Amendment.

In the Office Action, the claims have been rejected, in various combinations, under 35 U.S.C. § 112, second paragraph, under 35 U.S.C. § 112, first paragraph, and under 35 U.S.C. §102(b). To the extent these rejections are applicable to the amended claims, Applicants respectfully traverse these rejections for the reasons set forth below.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claim 62 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite due to the recitation of "CSF-1."

Applicants believe that "CSF-1" is a term of art that is understood by those of skill in the art. In addition, as previously pointed out to the Examiner, Applicants believe that "CSF-1" is fully supported by the specification as originally filed. However, in the interest of expediting prosecution and without agreeing to the substance of the indefiniteness rejection, Applicants have amended claim 62 to delete reference to "CSF-1." Accordingly, this § 112, second paragraph, rejection is rendered moot, and Applicants respectfully request that it be withdrawn.

Rejection Under 35 U.S.C. §112, First Paragraph (New Matter)

Claims 47-54, 56-59 and 62 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement due to the recitation of “cis/trans prolylisomerase” and “HSP47.”

In the interest of expediting prosecution and without commenting on or agreeing to the substance of the written description rejection, Applicants have amended claim 47 to delete reference to “cis/trans prolylisomerase” and “HSP47.” Accordingly, this § 112, first paragraph, rejection, is rendered moot, and Applicants respectfully request that it be withdrawn.

Rejection Under 35 U.S.C. §112, First Paragraph (Enablement)

Claims 47-54, 56-59, 62 and 67 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly being non-enabled.

In the interest of expediting prosecution and without commenting on or agreeing to the substance of the enablement rejection, Applicants have amended claim 47 and 62 in accordance with the Examiner’s suggestion. In the Office Action, the Examiner has indicated that amended claims 47 and 62 are fully enabled by the specification as originally filed (*see, e.g.*, page 6 of the Office Action).

In view of the amendments to claims 47 and 62, this § 112, first paragraph, rejection is rendered moot. Accordingly, Applicants urge the Examiner to withdraw this rejection.

Rejection Under 35 U.S.C. §102(b)

Claims 62 and 67 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Vannucchi *et al.* (*Haematologica* 80:341-343 (1995) (hereinafter “Vannucchi *et al.*”).

For a rejection of claims under § 102(b) to be properly founded, the Examiner must establish that a single prior art reference discloses each and every element of the claimed invention. *See, e.g., Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 231 U.S.P.Q. 81 (Fed. Cir.

1986), *cert. denied*, 480 U.S. 947 (1987). In *Scripps Clinic & Research Found. v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001 (Fed. Cir. 1991), the Federal Circuit held:

[A]nticipation requires that all of the elements and limitations of the claim are found with a single prior art reference. . . . There must be ***no difference*** between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.

Id. at 1010 (emphasis added). Anticipation can be found, therefore, only when a cited reference discloses ***all*** of the elements, features or limitations of the presently claimed invention.

In the interest of expediting prosecution and without commenting on or agreeing to the substance of the anticipation rejection, Applicants have amended claim 62, in accordance with the Examiner's suggestion, to recite in the body of the claim the phrase "whereby the generation of active thrombin on the surface of said cell is inhibited."

Applicants respectfully submit that Vannucchi *et al.* do not disclose ***all*** of the elements, features or limitations of amended claim 63. Specifically, Vannucchi *et al.* do not teach or suggest that the generation of active thrombin on the surface of the cell is inhibited by the administration of interleukin-3 to the cell. Accordingly, the § 102(b) rejection is improper and should be withdrawn.

CONCLUSION

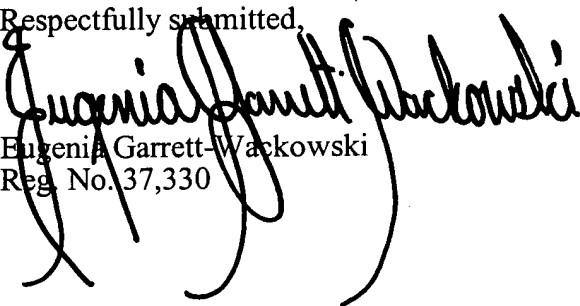
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/834,760
Amdt. dated August 11, 2006
Reply to Office Action of February 13, 2006

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


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